



Partners with Mother Nature.

February 1, 2005

Mr. William Sessions, USDA Associate Deputy Administrator
Country of Origin Labeling Program
Room 2092-S
Agricultural Marketing Service
USDA STOP 0249
1400 Independence Avenue SW
Washington DC 20250-0249

Re: Docket No. LS-03-04 – addendum to comments submitted December 21, 2004.

Dear Mr. Sessions,

The Pacific Coast Shellfish Growers Association submitted a letter in response to the proposed COOL rule in December, in which we attempted to provide clarification regarding “Farmed” v. “Wild” shellfish. Since then, representatives from our organization have met with shellfish representatives from the Gulf and East Coasts to discuss this issue, and during our meeting devised a different approach to this issue which we would like to submit to you as an addendum to our earlier comments.

Although our earlier recommendation would help to clarify the difference between Farmed and Wild, there are still problems inherent in attempting to provide this differentiation on a label. Molluscan shellfish present some unique challenges when one attempts to apply the COOL rules. As a species that is grown in an open marine environment, where natural spawning and set of shellfish can and does occur, it is challenging to provide a one-size-fits-all definition.

It is a common practice on all coasts to collect “wild” spat, and then plant it out on “controlled” or “managed” beds. Many growers, particularly on the West Coast, supplement the wild caught seed with hatchery seed, and grow it all out in the same growing area. In this case, it is difficult to say which category would be most applicable.

Also, a labeling program for molluscan shellfish becomes highly problematic for our processing houses on all coasts in terms of logistics. For example, many processors purchase products from multiple local vendors that include both wild and farmed shellfish. Such a processor would be required to switch from the “Farmed” to the “Wild” label multiple times during a single day.

Members of our industry are of the impression that the Rule was initially intended to provide labeling information for finfish and other motile species, such as shrimp, where there is a clear

differentiation. Attempting to apply this kind of standard to a relatively immobile species that is grown in a “wild” environment is far more problematic.

Given these confounding factors, the Pacific Coast Shellfish Growers Association believe the best way to solve this problem is to specifically exempt *molluscan shellfish* from the requirement to label as either “Wild” or “Farmed,” and instead be required only to label as to country of origin, information that is already contained on our health certification tags that we are legally required to put on each lot of harvested shellfish.

Exempting molluscan shellfish in the Rule would significantly ease the burden that has been placed on our industry, we believe inadvertently.

Thank you for considering these comments. We look forward to working with the USDA to find the best possible solution to this challenge.

Sincerely,

Robin Downey
Executive Director